

Remarks

The April 28, 2005 Office Action rejected the claims under § 102 and § 103. In view of the following remarks reconsideration is respectfully requested.

§ 102

The Office Action requested Applicants to point out distinctions between the five purported § 102 references and the claims. While it is respectfully submitted that there are a variety of other distinctions as well, none of these five references meets the requirement that  $x_i/y_i$  be greater than 1.5. In this regard:

1. Renuzit LongLast

The Office Action referred to a "Renuzit® LongLast®" product of Dial Corporation. However, it did not include any depiction of the specific structure being relied on, much less its basis for believing that the exact product that it had in mind as art is in fact available as prior art.

The specification did make reference to a prior art Renuzit air freshener. However, Applicants don't know if this had an identical structure to what the Office Action was referring to. The specification noted that prior art gel/solid systems had structures different from the present invention that suffered from substantially non-linear dispensing.

In any event, to expedite matters, Applicants' representative went out, purchased, and examined a current "Renuzit® LongLast®" air freshener, a photocopy of the "container" of which is enclosed herewith. Applicants have assumed that this is what the Office Action was referring to.

The Renuzit LongLast gel that was examined was circular in outer periphery, at any given height. Hence, the x and y dimensions are the same, such that  $x_i/y_i = 1$ , which is

distinguishable from the requirement for  $x_i/y_i$  to be greater than 1.5. Hence, the anticipation rejection is inappropriate to the extent it was applied to this structure of product. Moreover, it should be noted that a circular cross section gel structure leads to volatile material being dispensed at undesirably uneven rates.

Apart from Renuzit products currently on the market, Applicants make of record that the Renuzit prior art product that they were referring to in their specification similarly had  $x_i/y_i = 1$ , due to its horizontal circular cross section.

#### 2. U.S. Patent 2,733,956

U.S. patent 2,733,956 has gel elements 15/15'/15'' that are in the form of stacked spherical beads. Each sphere appears to have x and y dimensions that are identical at any given height. Thus  $x_i/y_i$  in this patent, and as a result  $x_i/y_i$  is not greater than 1.5 (as required by the claims of the present application).

Also, there is no disclosure of a consistent dispensing pattern, and a comparison of Figs. 4-6 would indicate a dispensing pattern of a single gel element that changes significantly over time. This patent requires a complex and relatively unreliable system of linearly arrayed beads to pick up dispersal as the dispersal rate of a first bead falls off.

#### 3. U.S. Patent 3,910,495

U.S. patent 3,910,495 has a gel 16 which is circular in horizontal cross section at any given height. Thus, again,  $x_i/y_i$  appears to be equal to 1 in this patent, and certainly not greater than 1.5. Also, this patent does not claim to have achieved a substantially constant release rate over the life of the gel.

#### 4. U.S. Patent 4,157,787

Again, the x and y dimensions of this dispensing material are identical as this is a square, such that  $x_i/y_i = 1$ , and thus is not greater than 1.5. While a permeable membrane is used with this material to make its release rate somewhat more constant, this greatly reduces the dispersion rate, and Applicants' structure does not require that.

5. U.S. Patent 4,809,912

Again, with this patent, the x and y dimensions here are identical, such that  $x_i/y_i = 1$ , and thus is not greater than 1.5. Moreover, again this suffers from the use of a permeable membrane, thereby significantly reducing dispersal rates.

§ 103

With respect to EP 1,177,799, the x and y dimensions here again appear to be identical, such that  $x_i/y_i = 1$ , and thus is not greater than 1.5. While this patent application asserts a somewhat more constant evaporation rate for at least part of the life of the product, it does so at a greatly decreased evaporation rate, and using unreliable structures. For example, it would be expected that depending on how the gel shrivels that the moving plate 3 would be difficult to operate in a consistent manner.

In contrast, Applicants have a way to achieve high release rates with close to zero-order release patterns, without requiring these significant compromises. None of the cited art teaches or suggests this. Hence, the obviousness rejection based on this European application should be withdrawn as well.

Conclusion

In view of the above remarks, reconsideration and allowance of pending claims 1-4 is respectfully requested. No additional fee is believed necessary for the entry and

consideration of these remarks. However, if one is, please charge the amount of the fee to Deposit Account 17-0055.

Respectfully submitted,

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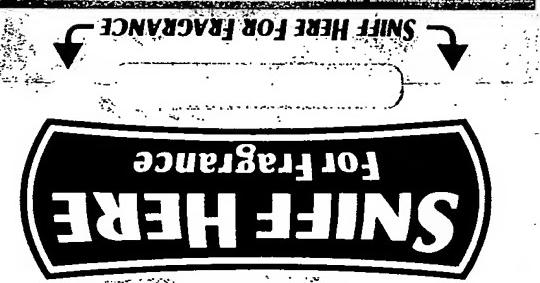
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